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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Brenner

SERIAL NO.: 09/934,020

FILED: August 21, 2001

FOR: POLYMORPHIC DNA FRAGMENTS
AND USES THEREOF

EXAMINER: A.D. Steele

ART UNIT: 1639

CONF. NO.: 7541

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Interview Summary

The applicant thanks the Examiner for granting a telephonic interview regarding the above-referenced application on January 25th, 2007. The participants were Examiners Amber D. Steele and Mark Shibuya (USPTO) and LeeAnn Gorthey (applicant's representative). This written summary is submitted in accordance with MPEP §713.04.

In accordance with MPEP §713.04, applicant provides the following information:

(A) A draft proposed amendment, brief summary of the claimed method, and annotated copy of Figure 12 had been forwarded to Examiner Steele via facsimile on January 23, 2007.

(B) Claims discussed: The discussion was generally directed to all of the pending claims (7-10), but in particular to independent claim 7.

(C) Prior art discussed: The primary cited references, Short *et al.*, U.S. Patent No. 6,352,842, and Barany *et al.*, U.S. Patent No. 6,027,889, were discussed.

(D) Amendments discussed: The draft proposed amendments to claim 7, referred to in (A) above, were discussed.

(E-F) Substantive issues discussed: Applicant's agent, LeeAnn Gorthey, briefly described the claimed method, with reference to annotated Figure 12. Dr. Gorthey pointed out that the claimed method includes a specific series of steps as recited in claim 7, with each step

operating on an intermediate product produced in the previous step, and that such a method was not shown anywhere in either cited reference.

The proposed amendments, which further described the endonucleases and linkers used in the claimed method, were also discussed.

(G) Agreement on allowance was not reached. Examiner Steele stated that the proposed amendments might be effective to overcome the written description rejection, and that more specific support in the specification would be useful. Dr. Gorthey agreed to submit a response which readdressed these amendments, and which specifically described the deficiencies of the cited references with respect to the claimed method.

Respectfully submitted,



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Date: FEB 15, 2007

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